IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 28337 of 1995

Between:

CH.V.L.Narayana, S/o Vishwanatham,
Salesman, Girajana Cooperative Corporation, Paderu Division,

Visakhapatnam district.

..... PETITIONER

AND

1 Girajana Cooperative Corporation, rep. by its Vice Chairman &

Managing Director, Visakhapatnam
2 Divisional Manager, Girajana Cooperative Corporation, Paderu,

Visakhapatnam district.
3 Senior Manager, Girijan Primary Co-operative Marketing Society
Pedabailu, Visakhapatnam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, Order or direction particularly a writ in the nature declaring the Proceedings Rc.No.2198/95-A.II.C, dt 7/11/95 as arbitrary, illegal and *mala fide* and by nullifying the same direct the respondents to restore the petitioner as Salesman, pending finalisation of the proceedings before the R2 and further direct the R1 not to interfere with the proceedings pending before the 2nd respondent..

Counsel for the Petitioner: Dr. P.B.VIJAY KUMAR

Counsel for the Respondents: Mr. C.V.MOHAN REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.28337 of 1995

ORAL ORDER:

The petitioner, while working as a Salesman in the respondent-Girijan Cooperative Corporation Limited, was suspended pending enquiry into certain allegation of misappropriation of funds, by Memo dated 25-7-1995 of the 3rd respondent. Thereafter, by an Order dated 30-9-1995 of the 3rd respondent (disciplinary authority), explanation was called for from the petitioner as to why he should not be reverted to the lower post of Messenger-cum-Watchman. The said Order was modified on the very same day i.e. 30-9-1995 to the effect that the petitioner is reinstated into duty pending finalization of disciplinary action against him. This order was stayed by the 1st respondent (reviewing authority) by an Order dated 7-11-1995. Questioning the same, the present Writ Petition is filed.

This Court while admitting the Writ Petition, on 18-12-1995 passed an interim order

in W.P.M.P.No.34966 of 1995 as under:

> "In this petition, consideration of the question is whether the reviewing authority i.e. the Vice Chairman and Managing Director can intervene and review the orders passed by the disciplinary authority pending enquiry. The impugned order dated 7-11-1995 is one such order staying the operation of the orders passed by the disciplinary authority dated 30-9-1995.
>
> Pending further orders in this petition, there shall be interim suspension of the Proceedings Rc.No.2198/95A.II.C, dated 7-11-1995 of the Vice Chairman and Managing Director – 1st respondent."

Now, it is brought to the notice of this Court that during the pendency of this writ petition, the enquiry was conducted and the petitioner was reinstated into service. Thereafter, the petitioner was also permitted to retire from service under a Voluntary Retirement Scheme introduced by the respondent-Corporation. Therefore, the cause in the writ petition does not survive.

Accordingly, the Writ Petition is dismissed as having become infructuous. No costs.

04-3-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Vice Chairman & Managing Director, Girajana Cooperative Corporation,

Visakhapatnam
2 Divisional Manager, Girajana Cooperative Corporation, Paderu,

Visakhapatnam district.
3 Senior Manager, Girijan Primary Co-operative Marketing Society
Pedabailu, Visakhapatnam district.

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